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To: [Smith, Corey \(TAX\)](#); [Langston, Lee F. \(TAX\)](#); [Magnani, Christopher \(TAX\)](#)
Cc: [Varnado, Jason S.](#); [Stephens, Neal J.](#); [Druce, Georgina N.](#); [Smith, David S.](#)
Subject: RE: U.S. v. Brockman 4:21cr009 GCH
Date: Monday, February 22, 2021 9:52:42 AM
Attachments: [1516369655_2_Brockman_Proposed Order Designating United States' Experts and Entry of Protective Order \(Final Draft\).DOCX](#)

Corey and All,

I will check calendars on our side and get back to you.

In this same regard, attached is a proposed scheduling order. We are prepared to file a motion in support. Please let us know your position on each of the issues.

Thank you.

Kathy

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Subject: U.S. v. Brockman 4:21cr009 GCH

**** External mail ****

Good morning counsel

Can we schedule a phone conference this week to discuss logistics of our experts' interview and examination of Mr. Brockman.

May I propose this Wednesday Feb 24, 2021 at 2:00 pm EST? If date and time does not work with your schedules can you propose an alternative.

Thank you

Corey J. Smith
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Tax Division
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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA §
§
v. § **Criminal No. 4:21-cr-00009**
§
ROBERT T. BROCKMAN §

**[PROPOSED] ORDER DESIGNATING THE UNITED STATES' EXPERTS
AND ENTRY OF PROTECTIVE ORDER**

Having considered the United States' Expert Notice ("Notice") (ECF No. 44), and Mr. Brockman's Response to the Notice and Motion for Protective Order, it is hereby **ORDERED** that Dr. Park Dietz, Dr. Robert Denney, and Dr. Ryan Darby are designated as the United States' experts to conduct the court-ordered psychiatric or psychological examination of ROBERT T. BROCKMAN pursuant to Title 18, United States Code, sections 4241(b) and 4247(b).

It is **ORDERED** that counsel for Defendant may be present during the court-ordered examination but shall not interfere with that examination. Counsel for the United States may not be present for the court-ordered examination.

It is **ORDERED** that any psychiatric or psychological interview of ROBERT T. BROCKMAN by the United States' designated experts shall be recorded by audio and video means with cameras positioned to face both the examiner and Mr. Brockman. Copies of the audio and video recording(s) shall be provided promptly to counsel for Defendant and the United States.

IT IS FURTHER ORDERED that defense counsel's proposed protective order is **GRANTED**. This Court having ordered an examination of ROBERT T. BROCKMAN and a hearing to determine the mental competency of the defendant pursuant to 18 U.S.C. § 4241 and Federal Rule of Criminal Procedure 12.2(c)(1)(A) (the "Competency Proceeding"):

- (a) no statement of the defendant during such examination and no testimony of the defendant during such hearing (collectively, "Defendant's Statements") may be used directly or indirectly by the government except in this Competency Proceeding and except as otherwise permitted by this Order; and
- (b) if at any other hearing or the trial of this matter, or any other proceeding, the defendant has introduced evidence of incompetency on an issue regarding mental condition, the government may apply to the Court to use Defendant's Statements by way of an offer into evidence, by cross examination based on prior inconsistent statements, or otherwise as may be appropriate under the Federal Rules of Evidence and other law.

SO ORDERED this ____ day of _____, 2021.

THE HONORABLE GEORGE C. HANKS
UNITED STATES DISTRICT JUDGE